

CHAPTER 1145

Administration and Enforcement

1145.01 Overview.**1145.02 Responsibilities and authority of the Council.****1145.03 Responsibilities and authority of the Commission.****1145.04 Responsibilities and authority of the Board.****1145.05 Responsibilities of the Zoning Officer, Clerk-Treasurer, and Village Planner.****1145.01 OVERVIEW.**

The Mayor or a duly authorized representative as specified in this chapter is hereby charged with the duty of enforcing the provisions of this Ordinance. The administration of this Ordinance is hereby vested in the following entities:

- (a) Council (Village Council).
- (b) Commission (Planning Commission).
- (c) Board (Board of Zoning Appeals).
- (d) Zoning Officer, Clerk-Treasurer and Village Planner.

The purpose of this chapter is to set forth the responsibilities and scope of authority of these entities.

1145.02 RESPONSIBILITIES AND AUTHORITY OF THE COUNCIL.

The Council shall have the following responsibilities and authority pursuant to this Ordinance:

(a) Adoption of Zoning Ordinance and Amendments. In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by the Ohio Revised Code, the Council shall have the authority to adopt this Ordinance, as well as amendments first recommended by the Commission or at a hearing or as decreed by a court of competent jurisdiction. No such ordinance or amendment which violates, differs from, or departs from the plan or report submitted by the Commission shall take effect unless it receives the affirmative vote of five Council members. No ordinance or amendment which is in accordance with the recommendations, plan or report submitted by the Commission shall be deemed to pass or take effect unless it receives the affirmative vote of four Council members.

(b) Review and Approval of Plans. Council review and approval shall be required for all planned developments, in accordance with provisions outlined in this Ordinance.

(c) Setting of Fees. The Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Council to set a fee for a specific permit or application, the Zoning Officer shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

(d) Election of One Commission Member. In accordance with the Ohio Revised Code, one member of the Commission shall be elected by the Council to serve on the Commission for the remainder of his or her term on the Council.

(e) Approval of Board Members. In accordance with the Ohio Revised Code, members of the Board shall be appointed by the Mayor with the approval of the Council.

1145.03 RESPONSIBILITIES AND AUTHORITY OF THE COMMISSION.

The Commission shall have the following responsibilities and authority pursuant to this Ordinance.

- (a) Creation. The Commission is created pursuant to the Ohio Revised Code.

(b) Membership and Operation. Members of the Commission include the Mayor, one member elected from Council pursuant to Section 1145.02 (ed), and three additional members appointed by the Mayor. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the Commission shall be in accordance with the Ohio Revised Code. The Commission by resolution shall determine the time and place of meetings. The Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. A member may serve simultaneously on the Commission and the Board, and it is suggested (although not required) that at least one such member be so appointed to both the Commission and the Board at any one time, so as to encourage communication between both bodies.

(c) Meetings. Meetings of the Commission shall be held in accordance with an adopted schedule, or at the call of the Chair, or at such other times as the Commission may specify in its rules and procedures. The Commission shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Clerk-Treasurer.

(d) Concurring Vote Required. The concurring vote of a majority of those Commission members present at any meeting shall be necessary to take any action. The Commission's failure to achieve a concurring vote of a majority of those Commission members present at any meeting shall not be construed to be an approval or denial of any particular requested action or motion of the Commission. An abstention shall not be counted in any manner.

(e) Jurisdiction. The Commission shall discharge the following duties pursuant to this Ordinance:

(1) Formulation of Zoning Ordinance and amendments. The Commission shall be responsible for formulation of this Ordinance, review of amendments to this Ordinance, holding hearings on this Ordinance or amendments, and reporting its findings and recommendations concerning this Ordinance or amendments to the Council.

(2) Site plan review. The Commission shall be responsible for review of applications for site plan approval in accordance with provisions outlined in this Ordinance. As provided for in this Ordinance, the Commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of site plan approval.

(3) Conditional use review. The Commission shall be responsible for holding hearings and review of all applications for conditional use approval in accordance with provisions outlined in this Ordinance. As provided for in this Ordinance, the Commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of conditional use approval.

(4) Planned development review. The Commission shall be responsible for holding hearings and review of all applications for planned developments in accordance with provisions outlined in this Ordinance. The Commission shall be responsible for making a recommendation to the Council to grant approval, approval with conditions, or denial of a planned development proposal.

(5) Formulation of a long range plan. The Commission shall be responsible for formulation, adoption and regular review and updating of a Long Range Plan for the physical development of the Village, in accordance with the Ohio Revised Code. (Ord. 2005-0711-03. Passed 7-11-05.)

(6) Review of matters referred by the Council. The Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Council. The Commission shall recommend appropriate regulations and action on such matters. The Commission shall respond to Council's request regarding matters involving Planning and Zoning

Commission and the Zoning Ordinance within sixty days and, if so requested, by the Commission, Council may grant a reasonable extension of time. (Ord. 128-2009. Passed 8-10-09.)

(7) Report on operation of the Zoning Ordinance. The Commission shall periodically prepare for the Council a report on the operations of this Ordinance, including recommendations as to the enactment of amendments or supplements to this Ordinance, as well as periodic review of Board decisions.

(8) Historic Preservation Overlay District. The Commission shall serve as the Historic Preservation Review Board and have the duties and powers as outlined in Chapter 1115 of this ordinance.

(f) Decision Final. The decision of the Commission shall be final, but shall be subject to appeal pursuant to the Ohio Revised Code, except in those instances where its decision is in the form of a recommendation to the Council, and in those cases where its decision is subject to appeal to the Board pursuant to the provisions outlined in this Ordinance.

1145.04 RESPONSIBILITIES AND AUTHORITY OF THE BOARD.

The Board shall have the following responsibilities and authority pursuant to this Ordinance.

(a) Creation. The Board is created pursuant to the Ohio Revised Code.

(b) Membership and Operation. Members of the Board shall be appointed by the Mayor with the approval of the Council. Members shall serve for staggered terms of five years each. Each member shall have been a citizen of the Village for not less than one (1) year prior to appointment to the Board and shall serve until his or her successor is appointed and sworn in as a member. The Board by resolution shall determine the time and place of meetings. The Board shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. A member may serve simultaneously on the Commission and the Board, and it is suggested (although not required) that at least one such members so appointed to both the Commission and the Board at any one time, so as to encourage communication between both bodies.

(c) Meetings. Meetings of the Board shall be held in accordance with an adopted schedule, or at the call of the Chair, or at such other times as the Board may specify in its rules and procedures. The Board shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Clerk-Treasurer.

(d) Concurring Vote Required. The concurring vote of three members of the Board shall be necessary to reverse an order, requirement, decision or determination of a zoning official or body; to decide in favor of an applicant on any matter upon which the Board is required to act; or, to effect any variation to this Ordinance. The Board's failure to achieve a concurring vote of three members of the Board shall not be construed to be a decision in favor of or against an applicant on any matter upon which the Board is required to act. An abstention shall not be counted in any manner.

(e) Jurisdiction. The Board shall discharge the following duties pursuant to this Ordinance:

(1) Interpretation of the Zoning Map. The Board shall act on all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning district map, and the interpretation of the exact location of a boundary line between zoning districts shown on the zoning district map.

(2) Appeals. The Board shall also hear and decide appeals from and review any written order, requirement, decision, interpretation or determination made by the Commission or any administrative or enforcement official or body charged with enforcement of this Ordinance. An

appeal must be filed within 14 days of the applicable decision, and such appeal shall be made on forms made available by the Zoning Officer.

(3) Appeal of decisions of Commission on site plans and conditional uses. The Board shall also hear and decide appeals from and review any order, requirements, decision or determination made by the Commission with regard to an application for site plan or conditional use approval.

(4) Area variances. The Board shall have the authority to grant area variances, based upon a showing of “practical difficulties” and a weighing of the factors set forth in Section 1149.08 (j)(1).

(5) Use variances. The Board shall have the authority to grant use variances, based upon a showing of “unnecessary hardships” and meeting all of the standards set forth in Section 1149.08 (j)(2).

(6) Other variances. The Board shall have the authority to grant variances made necessary by the advances of technology being put to use in new developments, but not anticipated by the provisions of this Ordinance.

(7) Referred matters. The Board shall also hear and decide matters referred to them or upon which they are required to pass under this Ordinance.

In carrying out its duties, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken and may issue or direct the issuance of a permit. The Board shall in all instances comply with provisions outlined in this Ordinance.

The Board shall not have the power to alter or change the zoning district classification of any property, and shall also not have the power to consider an appeal of any decision concerning a planned development.

(f) Decision Final. The decision of the Board shall be final, but shall be subject to appeal pursuant to the Ohio Revised Code.

1145.05 RESPONSIBILITIES OF THE ZONING OFFICER, CLERK-TREASURER, AND VILLAGE PLANNER.

(a) Overview. Certain actions necessary for the implementation of these regulations shall be administered by the Zoning Officer (with assistance from the Clerk-Treasurer, Village Planner, and other Village staff and consultants). In carrying out designated duties, the Zoning Officer shall be required to administer this Ordinance precisely as it is written. No Zoning Officer shall make changes or vary the terms of this Ordinance.

(b) Responsibilities of the Zoning Officer. Wherever used in this Ordinance, the Zoning Officer shall refer to the Mayor or a duly authorized representative thereof. The Zoning Officer may be a Village employee or consultant or combination thereof, and in either case shall serve at the will of the Mayor. In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Officer shall have the following responsibilities:

(1) Provide citizens and public officials with information relative to this Ordinance and related matters.

(2) Assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning and other zoning matters outlined in this Ordinance.

(3) Determine the completeness of materials submitted for site plan review, conditional use review and planned development, and takes any action required under guidelines stated in this Ordinance.

(4) Issue Certificates of Completion in accordance with this Ordinance when all provisions of this Ordinance and other applicable ordinances and codes are met. (Ord. 99-2010. Passed 2-14-11.)

(5) Forward to the Clerk-Treasurer, who will forward to the Commission completed applications for site plan review, conditional use review, planned unit development proposals, petitions for amendments to this Ordinance, and other matters that must be reviewed by the Commission.

(6) Forward to the Clerk-Treasurer, who will forward to the Board all materials related to applications for appeals, variances, or other matters on which the Board is required to act.

(7) Forward to the Clerk-Treasurer, who will forward to the Council all recommendations of the Commission concerning matters on which action is either mandatory or discretionary on the part of the Council.

(8) Periodically report to the Commission on the status of Village's zoning and planning administration.

(9) Maintain the current official Zoning Map of the Village and an up-to-date Zoning Ordinance text by recording all adopted map and text amendments.

(10) Maintain records as accurately as is feasible for all nonconforming uses, structures, and lots that exist on the effective date of the Zoning Ordinance, updating the record as conditions affecting the nonconforming status of such uses changes.

(11) Review and investigate permit applications to determine compliance with the provisions of this Ordinance.

(12) Issue permits when all provisions of this Ordinance and other applicable ordinances are met.

(13) Perform inspections of buildings, structures, and premises to insure that the land use or improvements to the land are and will remain in compliance with this Ordinance.

(14) Initiate and perform investigations into alleged violations of this Ordinance and proceed with appropriate corrective measures as required, including issuance of violation notices, issuance of orders to stop work, and revocation of permits.

(15) Perform other related duties required to administer this Ordinance.

(c) Responsibilities of the Clerk-Treasurer. In addition to specific responsibilities outlined elsewhere in this Ordinance, the Clerk-Treasurer or duly authorized representatives shall have the following responsibilities:

(1) Publish all notices required by this Ordinance.

(2) Record or cause to be recorded and prepare the official minutes of all meetings of the Commission and Board.

(3) Maintain official records and file all official minutes and documents in an orderly fashion.

(4) Perform other related duties required to administer this Ordinance.

(d) Responsibilities of the Village Planner. Whenever used in this Ordinance, the Village Planner shall refer to the Mayor or a duly authorized representative thereof. The Village Planner may be a Village employee or consultant or combination thereof, and in either case shall serve at the will of the Mayor. In addition to specific responsibilities outlined elsewhere in this Ordinance, the Village Planner shall have the following responsibilities:

(1) Prepare and administer such plans and ordinances as are appropriate for the Village and its environs, within the scope of the applicable enabling laws.

(2) Advise and assist the Commission and be responsible for carrying out the directives of the Commission.

(3) Advise and assist the Council and other authorized Village bodies or officials and be responsible for carrying out their directives.

(4) Provide citizens and public officials with information relative to this Ordinance and related matters.

(5) At request of the Village, review applications for site plan review, conditional use review, planned development proposals, and take any action required under the guidelines stated in this Ordinance.

(6) At the request of the Commission or Council, draft amendments to this Ordinance and other ordinances to accomplish the planning objectives of the Village.

(7) Periodically report to the Commission on the status of Village's zoning and planning administration.

(8) Perform other related duties required to administer these regulations.